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THE TERRIBLE HAY-STACK MURDER.

Wm. L. Brown  
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LIFE AND TRIAL

OF THE

REV. EPHRAIM K. AVERY,

FOR THE MURDER

OF

THE YOUNG AND BEAUTIFUL

MISS SARAH M. CORNELL,

A FACTORY GIRL OF FALL RIVER, MASS.,

Whose affections he won, and whose honor he betrayed. He afterwards strangled his poor victim, and hung her body to a hay-stack in order to convey the idea that she had committed suicide.



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# THE AWFUL LIFE AND CURIOUS TRIAL

OF THE

## REV. EPHRAIM K. AVERY.

**W**E are now about to offer the reader a full history of the most extraordinary trial on the criminal calendar of our country. That of Rev. Ephraim K. Avery, a Methodist clergyman, for the atrocious murder of Miss Sarah Maria Cornell, a factory-girl, at Tiverton, Rhode Island. Avery, at the time the crime was committed, was one of the most prominent elders of the church, and as a revivalist had a reputation the equal of Moody and Sankey. He at first seduced Miss Cornell, who was a member of his church, and afterwards murdered her, and hung the body to a haystack. He was arrested, and although circumstantial evidence was strong against him, his friends, determined that he should not be hung, perjured themselves in a most outrageous manner to save him. The murder created great excitement at that time, and even now is often referred to at the New England fireside as the "Terrible Haystack Murder." The date of this awful murder was 1832.

### JURY IN CASE OF E. K. AVERY.

Eleazer Trevett, *Foreman*. Charles Lawton, George W. Tilley, Gideon Peckham, Edwin Wilbur, Milton Hall, Joseph Martin, William Read, Horatio G. Taylor, Noah Barker, James C. Easton, John Sherman.

### COUNSEL FOR THE DEFENDANT.

Jeremiah Mason, Richard K. Randolph, Joseph M. Blake, Henry Y. Cranston, George Turner, Esqs.

### COUNSEL FOR THE PROSECUTION.

Albert C. Greene, *Attorney-General*; Dutee J. Pearce, William R. Staples, Esqs.

### FALL RIVER COMMITTEE OF PROSECUTION.

Nathaniel B. Borden, Harvey Harnden, Jesse Eddy, James Ford, Foster Hooper.

### JUDGES.

Samuel Eddy, *Chief-Justice*; Charles Brayton, Job Durfee, *Associates*.

## The Finding of the Dead Body Hanging to the Haystack—Its Identification—The Coroner's Jury—Was it Suicide?

ON Friday morning, December 21st, 1832, John Durfee, a farmer, residing in the little village of Tiverton, Rhode Island, about half a mile from the bridge at Fall River, was passing through a lot near his house with a team. When within a few rods of a little circular enclosure containing a stack of hay, he observed the body of a beautiful girl hanging within the yard to a stake set up against the stack. Horrified at sight of this terrible apparition, he jumped from his wagon, and cautiously approached. The head of the girl was thrown forward and the face turned toward him, but her long hair had escaped from its confinement and shrouded her face like a veil. With tender pity he softly pushed aside the raven tresses, and the cold still face thus revealed was that of the dead. She wore a long cloak, which was hooked together the whole length, up and down, except one hook over the breast. Her hood was on; her shoes were off; her feet were close together, and her legs carried back so that her knees came within a few inches of the ground, and under them her clothes were smoothly folded. The cord by which she was hung was a small marline twine doubled, and was fastened to the stake about six inches from the top. The top of her head was a few inches below the top of the stake, against which her right cheek rested.

From her dress and general appearance Durfee judged the dead girl to be a factory hand, and with an involuntary shudder, he thought:

"Poor girl! Tired and sick of a life of toil, she has sought to obtain rest by destroying herself."

He turned away from the sad sight and called loudly to several of his household who were in sight.

"Ho! Come here! Some poor girl has hung herself in the stack-yard. She is dead."

At this demand three men came toward him, and one, with more presence of mind than his companions, quickened his pace to a run, and cried:

"There may be life yet. Cut her down."

Thus urged, Durfee leaped the fence and attempted to lift the body up so as to slip the cord over the top of the stake, but her weight was too much for him, and he turned to his companions and called for a knife. One of the three men handed him the desired article, and severing the cord, he lowered the stiff and rigid body tenderly to the ground.

"I was right," said Durfee, sadly, "she is dead!"

A silence of several minutes ensued, and one of the men lifted the dead girl's little shoes, which were placed side by side a short distance from the body. One was muddy, and after holding them a minute the man placed them nearer the body. A large red bandana handkerchief, such as was



usually carried by men in those days, was on the ground at the other side of the body, frozen fast.

"What shall we do with *it*?" said Durfee, motioning toward the body, and turning to his companions.

"Let it lay!" replied the oldest of the party. "She is dead, poor thing, and we can do her no good."

"Hadh't I better go for the coroner?" said the first speaker.

"Yes. The coroner," cried his companions with one accord. "We will remain by the body."

Durfee started off toward the village, and after following with their eyes his fast disappearing form for some time, the three men left standing at the body turned to each other and began to discuss the sad occurrence.

"Who is she?" asked one. "Does anybody know her?"

They all shook their heads at this query, and one ventured:

"I guess she must be a weaver, for she's got a weaver's knot about the stake."

His questioner stepped forward to the stake at this suggestion, and lifted up the twine. It was not larger than a goose-quill, and, being twined double about the stake, four ends hung down. After regarding the knot which secured them a minute, the man replied:

"She is more a sailor than a weaver, for she has got a few half-hitches around the standing part," meaning the part which had led to her neck.

At this the others examined the cord and knot, and the one who had made the observation walked in the direction of his work, a short ways distant. The ground was rough and uneven, strewn with stones and overgrown with bushes and briars. The cattle passing to and from the stack had worn a path through, and lying in this path, about twenty rods from where the body had been found, the man picked up a piece of comb, which had evidently been worn by the dead woman. He carried it back to the party yet grouped around the stack, and one said:

"Ain't the cord she used like the twine with which those bags are sewed you got from the calico works for us to sit on while we're drilling?"

"I don't know, but I'll see," said the man, and cutting off a small piece of the twine around the stake, he walked away with it in his hand to a wagon about one hundred rods from the stack, in the body of which was thrown a lot of gunny bags and tools used in drilling rock. The bags had been used as casings for cotton cloths, and were sewed with twine. He compared this twine with the piece of cord in his hand, and there could be seen no perceptible difference in size or color.

"Yes," he said, after making the comparison, "here is where it came from. She could get a piece long enough if she unravelled down the whole bag."

By this time the coroner had arrived, and with him a motley crowd of

men, women and children, morbidly curious to gaze and gape and stare at the dead face before them.

"Why, it's Maria Cornell!" cried a young girl. "She worked with me in the mill in Fall River."

She was interrupted by the coroner, who, having summoned a jury from the crowd, gave them their charge and read the law governing such cases. The body was then taken up, and carried to the house of Durfee, near by, followed by the jury and the crowd. When the house was reached the body was placed upon a bed, and the jury proceeded to take evidence. The girl who had first identified the body volunteered the information that

"She boarded with Mrs. Hathaway, near the Aquamam block."

At this the coroner directed one of the men present to go to the place mentioned and bring away the girl's effects, if she had any, and to summon Mrs. Hathaway and the members of her family, also the dead girl's friends and work companions.

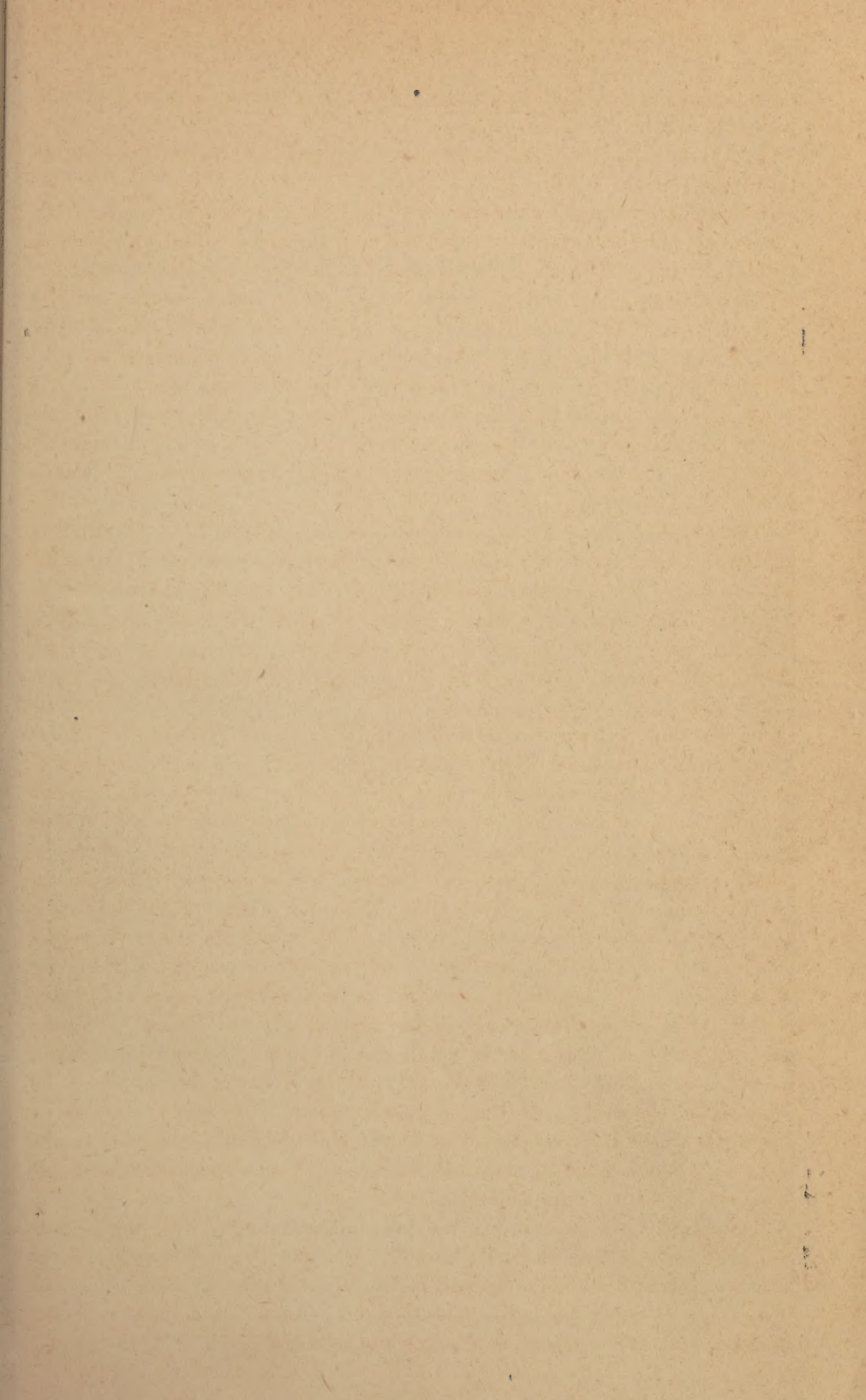
The inquest began. Durfee and his companions testified to the finding of the body in the position and after the manner before described, and after this testimony the jury adjourned to the stack-yard to view the spot. When they had made themselves thoroughly familiar with the surroundings, they returned again to the house, and by this time the messenger had returned from Fall River, bringing with him the witnesses wanted and two physicians.

Except such plain articles as had made up the young girl's wardrobe, her trunk contained nothing which would be likely to give a probable clue to her reasons for thus rashly taking her life, if, indeed, she had done so; but in a bandbox in her room the messenger found one red letter, one yellow letter and one white letter, all directed to "Sarah M. Cornell," and one white letter directed to "Rev. Ira Bidwell." The letter directed to Mr. Bidwell was sealed, the rest were open. Near the bottom of the box was a small slip of paper and a piece of pencil. These were handed to the jury.

Harriet Hathaway testified that S. M. Cornell had boarded with her for three weeks. The last time she saw her alive was the afternoon of the day before. She left her house about dark, before the mill closed. She said she was going to Joseph Durfee's, and should return perhaps immediately; if not, before nine. Said she should want her supper before the mills closed. She seemed more cheerful than common. She had a trunk and a bandbox, which I delivered to John Durfee this morning, to be taken to the coroner. She was not in the habit of being out evenings, except when (as she said) she went to class-meetings.

Lucy Hathaway (daughter of the preceding witness) worked in the same mill and same room with S. M. Cornell. She left the mill the day before about half-past five. Miss Cornell had mentioned to her a week before her intention of going out that afternoon. I became acquainted with her about a week before she came to our house to board.







The Meeting of Rev. E. K. Avery and his Victim.



The "loom boss" at the mill corroborated this testimony, and after deliberating a few minutes, the jury adjourned to await the result of the post-mortem examination then being made by the two physicians, and to examine the letters found in the dead girl's room.

So far the general impression seemed to prevail that the girl had committed suicide, but for what reason she had thus rashly severed that throbbing chain called life, and in an instant stood face to face with her God, no one among her friends and acquaintances could tell.

### The Post-Mortem Examination—The Letters and the Mysterious Message—It might be Murder!

ON Saturday the jury again assembled, and the physicians who had conducted the *post-mortem* examination made a statement to the jury, as also did several other witnesses, but no sworn evidence was taken, and the jury adjourned again until Monday.

Upon their reassembling, Dr. Foster Hooper testified: I reside at Fall River; have practised medicine five years. I have examined the body of S. M. Cornell. The neck was indented horizontally and equally to the depth of from three-eighths to half an inch. On the right side of the face, under the ear, there was the appearance of two strands having passed, pinching the skin between them. On the right jaw and on the right temple were irregular indentations, as though the face, after the circulation had stopped, had pressed on some hard substance. The skin was not broken. The lungs were engorged with black blood. On the knees were several scratches or slight wounds that drew blood; likewise stains, as of dirt, and green spots, as of the juice of grass. There were a few scratches on the left leg below the knee, and the skin was rubbed off in two places the size of fourpence. On the inner knee a mark of dirt extended up toward the thigh. The right side of the abdomen was of a livid hue, which appeared to me to be caused by incipient putrefaction. On the left side, above the hip, there was a considerable contusion. The uterus contained a female fœtus about half grown. It required a rather minute examination to ascertain the sex. The features were not much distorted. The tongue was caught between the teeth. The face was pale.

Dr. Thomas Wilbur, the other physician, confirmed the above.

When the two doctors had finished their testimony, a shudder ran through the throng crowded into the inquest room, and murmurs of "It was murder, not suicide!" were heard. Silencing the tumult, the coroner read to the jury these words, from the slip of paper found in the bottom of the bandbox at Miss Cornell's boarding-house:

"If I am missing, inquire of Rev. Mr. Avery, Bristol. He will know where I am gone.

"S. M. CORNELL."

"December 20th."

The murmur of surprise in the crowd changed to hoarse cries of indignation, as the coroner finished reading, and one man shouted :

"It's the parson who did it. He's the father of her child, and murdered her to save himself from exposure."

Another voice cried, "If that's so, perhaps he wrote her the letters. Read the letters."

Thus importuned, the coroner picked up the *red letter* and read as follows :

"PROVIDENCE, *November, 1831.*

"DEAR SISTER: I received your letter in due season, and should have answered it before now, but I thought I would wait till this opportunity. As I told you, I am willing to help you and do for you. As circumstances are I should rather you would come to this place, viz., Bristol, in the stage, the 18th of December, and stop at the hotel, and stay until six in the evening, and then go up directly across the main street to the brick building near to the stone meeting-house, where I will meet you and talk with you. When you stop at the tavern, either inquire for work, or go out to the street in pretence of looking for some, or something else, and I may see you. Say nothing about me or my family. Should it storm on the 18th, come on the 20th. If you cannot come, and it will be more convenient to meet me at the Methodist meeting-house in Summerset, just over the ferry, on either of the above evenings, I will meet you there at the same time. Or, if you cannot do either, I will come to Fall River on one of the above evenings, back of the same meeting-house where I once saw you, at any hour you say on either of the above evenings, when there will be the least passing, I should think before the mills stop work. This I will leave with you. If I come I will come if it does not storm very hard. If it does the first, I'll come the second. Write me soon and tell me which. When you write, direct your letters to *Betsey Hills, Bristol*, and not as you have to me. *Remember this.* Your last letter I am afraid was broken open.

"Wear your calash, and not your plain bonnet. You can send your letter by mail. Yours, etc.,

"S. M. C.

"B. H.

"Let me still enjoin the secret. Keep the letters in your bosom, or burn them up."

The letter was addressed on the envelope, "Miss Sarah M. Cornell, Fall River, Mass. To be left at Mrs. Cole's."

The crowd still preserved silence, and the jury looked very grave. Taking up the white letter the coroner read :

"FALL RIVER, *December 8th.*

"I will be here on the 20th, if pleasant, at the place named at six o'clock ; if not pleasant, the next Monday evening. *Say nothing.*"



This missive was directed to "Miss Sarah M. Cornell, Fall River," and laying it down, the coroner opened and read the yellow letter, as follows:

*"November 13th, 1832.*

"I have just received your letter with no small surprise, and will say I will do all you ask, only keep your secret. I wish you to write me as soon as you get this, naming some time and place where I shall see you, and then look for answer before I come, and will say whether convenient or not, and will say the time. I will keep your letters till I see you, and wish you to keep mine and have them there at the time. Write soon. Say nothing to no one.

*"Yours in haste."*


This letter was directed to "Miss Sarah M. Cornell, Fall River, Mass.," and was post-marked "Warren, R. I., Nov. 14."

The jury of Friday and Saturday had partly agreed upon a verdict of death by suicide, but these new developments changed the ultimate verdict to this: "We find that the said S. M. Cornell came to her death by hanging or choking at the hands of some person or persons to this jury unknown. And we also find that suspicion points to Rev. E. K. Avery, of Bristol, and we recommend that he be apprehended and held for examination."

The body of the dead girl was left in charge of her friends. They washed it tenderly, and combed and arranged the long hair that had been her pride. The scene of the murder became an object of great curiosity, and thousands flocked to the spot, anxious to get a glimpse of the dead girl's face. The coroner had ordered the body to be buried, and when, late on Monday afternoon, the coffin was carried to the grave, such a concourse of people followed it as had never been seen before.

The theory of murder was believed in by all, and expressions of indignation against the priestly man who had been accused of the crime were strong and general. Business was almost entirely suspended in Fall River, so great was the excitement, and little else was talked of but the murdered girl and her suspected murderer.

### **Popular Indignation Aroused—The Vigilance Committee—Apprehension of the Murderer—Re-examination of the Body.**

UNDAY is usually a peaceful day among the Puritanical New Englanders, but the Sunday which followed the murder of Sarah Maria Cornell was an exception. It was known in Fall River that the paper and letters given in the last chapter had been found, and even if the coroner's jury, which was new empanelled to take up the investigation on the morrow, returned a verdict of suicide, public opinion, which is in this country a most powerful and widely felt influence, declared

that Sarah Cornell was murdered—foully murdered—and her blood cried aloud for vengeance on her murderer.

From the surrounding country men and women and children flocked to the centre of attraction, and even from distant States came dire threats against the life and peace of the suspected murderer, who up to this time had been a preacher of the gospel, connected, and in high standing, with a most numerous and respectable denomination of Christians—a denomination which at that time, in this country, numbered ten thousand licensed preachers, six hundred thousand members, and three millions of hearers. The Methodist church probably never before had so zealous and eloquent an advocate as the Rev. Ephraim K. Avery, and his fame extended over the length and breadth of the country. His services were always in demand, and thousands had been converted to the Methodist faith through his efforts. Like a celebrated preacher of more extended fame and more recent notoriety, he had enshrined himself in the hearts of his hearers—an idol—that no suspicion, however strong, no evidence, however conclusive, no imputation, however well grounded, could displace. Holding the position, then, that he did, it is not to be wondered that all evidence impugning the character of their beloved pastor was at first ridiculed and hooted as beyond reason, and then as the chain of circumstances connecting him closely with the deed grew stronger and stronger, openly assailed and resisted by these people. On the other hand a strong feeling also existed among those who might be called *anti-religious*, who thought that they might throw contumely on religion itself, by procuring the conviction of the accused murderer. To this cause of excitement may be added the natural jealousy felt by other sects of that to which Avery belonged; and a still additional cause of excitement may be found in the situation of the deceased. She was a *factory girl*, and no wonder that in the village of Fall River, the State of Rhode Island, and in fact throughout all New England, her connection with a class so numerous and so important to the public interest gave new force to the public feeling.

People living in the vicinity of the scene of the murder, when the evidence implicating Avery began to gather, recollected having seen a man who answered his description, lurking about the vicinity on the day which preceded the evening of her murder. The man who had found the body, Durfee, accompanied by a citizen of Fall River, Seth Darling, went to Bristol on Sunday to have Avery taken in charge by the authorities. They applied to a magistrate, but from some reason he took no action in the matter.

On Monday, while the new empanelled jury were yet in consultation, a mass meeting of the citizens of Fall River was held, and a Committee of Vigilance, consisting of thirteen members, selected from among the best of her citizens, appointed to ascertain facts relative to the murder of the girl, Sarah Maria Cornell. A committee of five was also chosen to assist in the



prosecution. Twenty or thirty of the prominent men of the place pledged themselves to bear the expenses of the investigation.

As days passed on the excitement, instead of abating or diminishing, reached nearer fever heat, and on Christmas day a large body of the inhabitants of Fall River went over to Bristol and demanded the surrender of the hypocritical murderer. They surrounded his house, and several times his life was in danger. Evidence against him was fast accumulating.

The postmaster at Bristol testified that Avery was in the habit of receiving letters from Fall River, and that no letters had ever passed through the office addressed to Betsey Hills, and indeed no such person was known or had ever been heard of. John Orswell, the engineer of the boat King Philip, running from Providence to Fall River, asserted that he recognized the red letter found in Sarah Cornell's trunk as one given him at Providence to deliver by a man who answered to the description of Avery. Accordingly Mr. Deputy Sheriff Paul, of Fall River, secured Orswell, and hastened with him to the house of the preacher to see if he could positively identify him as the man. When they arrived at the house they found it surrounded by the populace, and, forcing their way through the mob, they effected an entrance to the house, and went to an up-stairs room. Three or four gentlemen were sitting there, and the deputy sheriff asked Orswell if he could identify either one of those present as the man who gave him the letter.

"No, sir," replied Orswell, scanning the faces of the gentlemen before him. "If either one of these gentlemen is Mr. Avery, he did not give me the letter."

Mr. Paul then called Avery from another room, and as he came in, Orswell regarded him intently and said:

*"That is the man who gave me the letter!"*

There was a murmur of surprise at this bold accusation, but with a brazen air the preacher faced him, and inquired:

"How was the man who gave you this letter dressed?"

Orswell replied, "I did not notice his dress particularly, only that he wore a cloak and a black hat."

"Will you be willing to go before a court and swear that I am the man?"

"I have not said that I would," replied Orswell.

"Ah! you see," said Avery, triumphantly, turning to the others in the room. "He cannot swear positively that I am the man." And then, turning to Orswell, he said: "It will be a gratification to myself and my friends, to know what you think about my being the man."

"According to the best of my judgment and recollection, you are the man."

"Did the man have on glasses?"

"No!"

Again a look of triumph passed over Avery's face, and turning to the party in the room, he said : " Did any of you ever know me to go out doors without glasses ? "

" No ! " they answered in one breath, " Never ! "

Avery then adjusted his spectacles and, turning to Orswell, said, " Do I look like the man now ? "

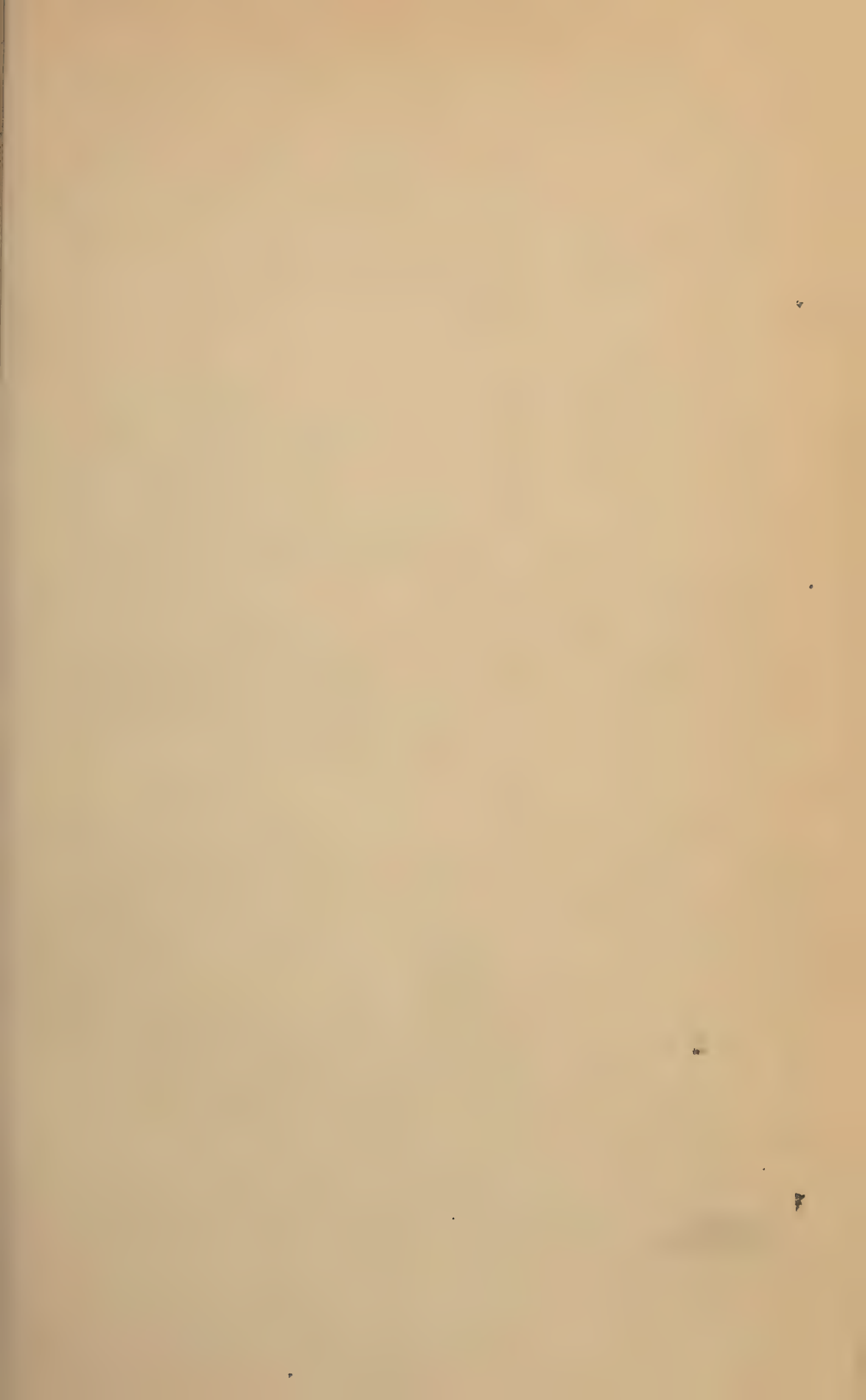
" It does not alter your features, in my view, one bit," replied Orswell, firmly.

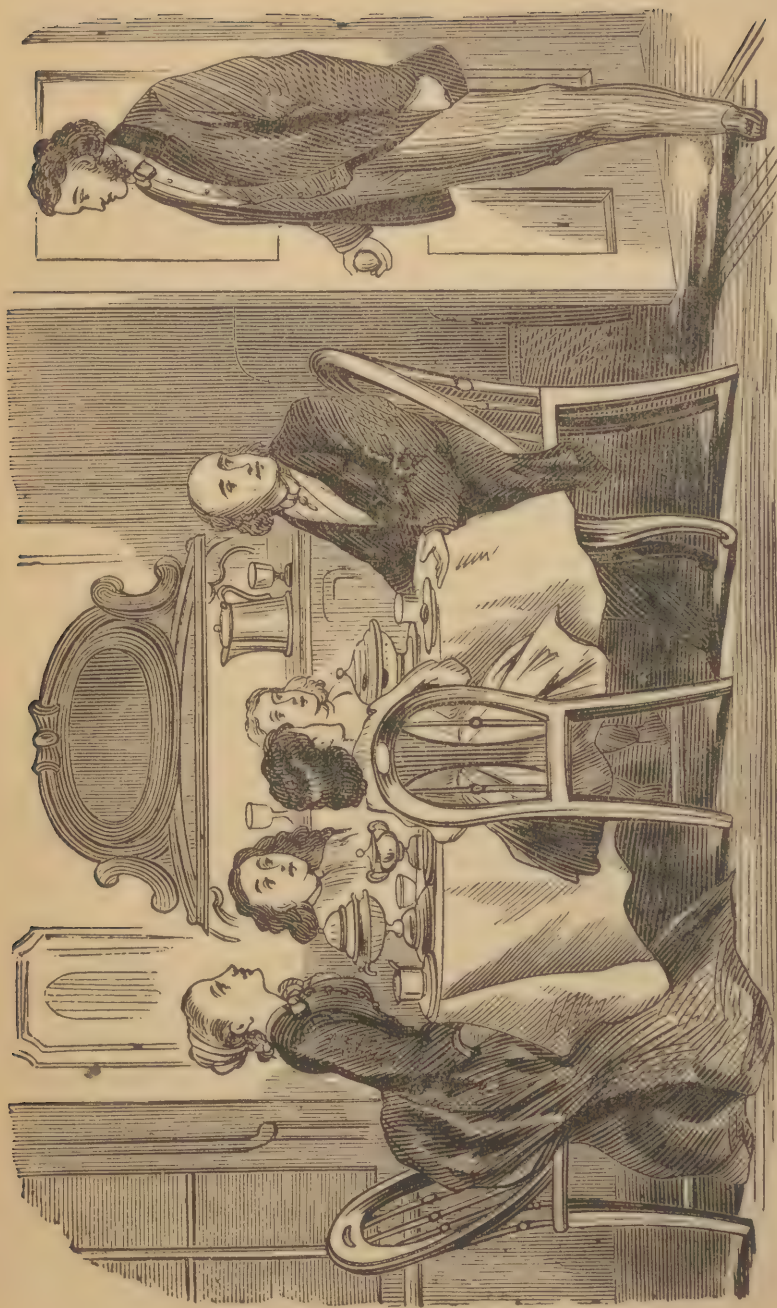
While this examination was in progress, the crowd in the street below became impatient, and several of the more resolute gained entrance to the house. At the request of the deputy sheriff, however, they retired, and the examination was allowed to proceed quietly. It was finally decided to take Avery before the trial court, and it was accordingly done. The justice commanded his detention, and surety for his appearance being given he was held in custody at his own house until a warrant was legally obtained for his arrest, upon which Judge Randall took his recognizance, with sureties in the sum of \$20,000, for his appearance at the March term of the Supreme Court. Much indignation was felt in Fall River when it was learned that he had been allowed to escape under bail. Public sentiment demanded that he be incarcerated in the common jail, like other suspected malefactors, and a movement was made to obtain a new examination.

At the request of many of the prominent citizens of Fall River, the body of the murdered girl was exhumed, and Doctors Hooper and Wilbur submitted the body to a more searching and rigid examination. The result, when it was made known to the public, increased their rage against Avery, for it was found that an abortion had been attempted, and experts theorized thus : That the girl had met Avery at the stackyard by appointment, and that he had attempted to procure an abortion. The pain of the operation had caused her to lose consciousness, and while in this state Avery had placed the cord about her neck, and after strangling her had hung the body over the haystack.

Several parties, living in the vicinity of the stackyard, heard screams and cries as of pain or terror on the night of the murder, and at about the hour when it was supposed the crime was committed ; and there was positive evidence tracing Avery to the island on that evening. Circumstances were fast hedging him in, and it would be indeed a miracle if he escaped the punishment which his heinous crime deserved.








The witness described a "ministerial-looking gentleman who took tea at her house, on the night in question."  
Was it Avery in disguise?

Die Zeugin beschrieb einen „ministeriell aussehenden Herrn, der zum Thee am fraglichen Abend in ihrem Hause war.“ War es Avery in Verkleidung?



## The Murdered Girl's Early Life and First Acquaintance with Avery—He Wins Her Affection and Betrays Her Honor.

ARAH MARIA CORNELL was born May 15th, 1802, in the little town of Rupert, Vermont. She had one sister, who married Grindall Rawson. From early youth Sarah, or as she was more familiarly called, Sally, was noted for her piety, truth, and religious enthusiasm. She was very devoted, and at an early age connected herself with the Methodist church. Sally was noted for her beauty, which was of that ruddy, pink and white type, peculiar to the girls of the Green Mountain State, and had many admirers, but somehow she was never suited. She preserved her beauty in spite of Father Time, and at thirty passed very readily for a girl of twenty. Her father being a poor man she early entered a cotton factory at Dover, New Hampshire, and worked subsequently in many of the principal mills in New England, and in every town where she resided was distinguished for her religious zeal. She attended church regularly every Sunday, and frequently spent several evenings during the week at class or prayer-meeting.

Miss Cornell made the acquaintance of Avery, so it appears, about five years before the murder, and ever regarded him as a sort of demi-god. She listened in rapture to his teachings, and looked up to him as the embodiment of all that was good and pure. Until the August before her death the relations between the two had been marked by no special event, other than the ordinary friendly companionship of pastor and parishioner. In May, 1832, she came to Woodstock, Connecticut, and sought and obtained work in the factory there. She connected herself with the Methodist church, presenting as her credentials a letter from her late pastor in Lowell, Massachusetts.

In August of that year the Methodists held a great camp-meeting and revival at Thompson, near Providence, Rhode Island, and this meeting was attended by Miss Cornell. Rev. Mr. Avery was also in attendance, and took a leading part in the religious exercises.

When Miss Cornell reached the grounds, Avery was in the act of delivering one of his impassioned discourses, and in rapt wonder she stood listening to the burning words as they fell from the lips of the man she worshipped so blindly. Tears filled her eyes, and she was affected so much by the sermon that she was obliged to turn away and recover her wonted tranquillity of mind in the seclusion of the deep forest shades. When she was a trifle more composed she turned to retrace her steps, and on her way met the object of her thoughts coming toward her. As he approached a blush of pleasure suffused her face, her eyes drooped, and when he halted in front of her and extended his hand, she raised her eyes timidly to his

face and held out her own little hand, which was seized and pressed with evident warmth by the minister.

"And how are you, my dear sister?" he asked, retaining her hand.

"Oh! I am very well, sir," she replied.

"I am very glad to see you," he said, bending nearer, until his warm breath fanned her cheek.

"Thank you," replied Sarah, modestly stepping back a pace, and withdrawing her hand.

"I have your letter, yet," he said.

"Indeed. You promised to destroy it when I saw you a year ago in Lowell. It is of no great consequence whether you retain it or destroy it. Nevertheless I would not like any one else to get hold of it. I was penitent when I wrote it, and knew that I had done wrong in talking so about one of the sisters of the church. But you promised me if I would write a letter acknowledging my fault, you would read it to sister Coulson, and I would be forgiven."

"Well, I read it to her and she forgave you. It is true I promised to destroy the letter, but the temptation to retain some memento of one who held, and does to this day hold, so high a place in my regard as you do, was too great, and I have treasured it ever since."

"It is very gratifying to know that my friends think so well of me," replied Sally.

"I do think a great deal of you," said the minister, with emphasis, "and I want to talk with you some time where we will not be interrupted."

"Well, sir!"

"If you like, I will meet you to-night at the house, when the horn blows for preaching."

"You can come if you wish," said she. "Good-by!" and she passed by him and went toward the preacher's stand.

"Good-by! I will be punctual," said the preacher.

That night, when the signal was given for the services to begin, Sarah was standing outside the door. Avery came toward her, and after looking into the tent, said:

"There is no room in the house for us. It is full. We can't have any talk there—go along further into the woods, and I will overtake you."

As directed, Sarah walked down the road, away from the tents, and Avery turned back, apparently toward the ground; but after she had passed on a little way, he came from another direction and met her. Taking his arm, the two passed on into the woods. After going some distance they came to a smooth, grassy plot of ground, and, motioning toward the foot of a giant tree, whose gnarled roots twisted themselves into a natural couch, Avery asked her to sit down. She did so, and he placed himself beside her.



After a moment's silence, Avery drew nearer and passed his arm around her waist. He was trembling violently, and his voice was husky.

"I want to ask you a question, Sarah," he said, at length.

She made no reply, and he went on.

"You must know that I have a very high regard for you—that—I—love—you," and with this confession he bent over and drawing her face closer, kissed her hotly.

"Sir! Mr. Avery!" cried the startled girl, struggling to break away, from him. "Remember you are a married man, and I am a virtuous woman."

"As God is my judge!" said Avery, fiercely, "I love you—madly—devotedly—better than all else—and a wife—no!—not even she shall stand between us."

In vain the frightened girl endeavored to release herself. His strong arms held her fast. He drew her head down on to his bosom and rained kiss after kiss upon her lips and cheek. His breath came hot and fast, and he pressed her convulsively to his heart. With a last effort she endeavored to struggle to her feet, but still he held her fast. Her senses seemed deadened in a mystic spell. She closed her eyes; her tense muscles relaxed and she burst into tears.

The tempter's artifices had proved successful, and the prey was his!

Several hours elapsed before the pair returned to the grounds, he ahead, elated over his easy victory, yet frightened when cool reflection taught him the awfulness of such a crime, committed by a minister of God; and she, poor, weak woman, degraded in her own eyes, and with sinking heart, like a meek lamb going to the slaughter, followed in the footsteps of the man who was henceforth to be her master.

### **Sarah Discovers that She is About to Become a Mother—She Consults Her Brother-in-Law—Upbraiding Her Seducer.**

**A**T the time of the camp-meeting Sarah was living with her brother-in-law, Grindall Rawson, assisting him in the management of his tailor shop—she having remained at the factory but a short time. While she was an inmate of his house, it was noticed that she seemed to be subject to unusual fits of melancholy. At times she would be found in tears, and when questioned as to the cause of her agitation, would exhibit much confusion, reply evasively, and if pressed, turn the matter off with a laugh that to the ears of her wondering friends sounded strangely hollow and unnatural.

In October Miss Cornell declared her intention of leaving Woodstock to work in the mills at Fall River. Her brother-in-law, Mr. Rawson, endeavored to dissuade her, and when he assured her that she could make his

house her home so long as she chose to remain there, she burst into tears and between her sobs gave utterance to these words :

"If you knew all, you would not say so. I am undone—undone—and I dare not longer raise my head in respectable society."

"What do you mean, Sarah?" inquired Rawson, kindly.

"Oh, dear," she cried, "I dare not tell!"

"Dare not tell!" echoed Rawson.

"It was not my fault," she continued. "I could not resist him."

"Him! Who?"

"Mr. Avery."

"What has he done to you?"

She lowered her head and again burst into tears. Finding it impossible to gain any intelligence from her, Rawson left the room and sent in her sister, his wife. To her Miss Cornell confessed her shame and expressed the belief that she would in a few months become a mother.

Startled somewhat by this intelligence, Mrs. Rawson called her husband, and in his presence Sarah reiterated her previous statement. After talking the matter over, it was finally agreed that, as Miss Cornell was not positive as to her exact condition, she had better go to Fall River, and when it was certain she was in a delicate situation, inform Mr. Avery of the fact.

Accordingly Miss Cornell came to Fall River, and readily obtaining employment, secured board at the house of Elijah Cole. It was while she was here that she received the red letter from the hands of Orswell, who was positive that it was handed him for delivery by Avery. She lived very privately while here, and at times appeared lost in thought; and again she would appear animated and gay, but it was evidently forced.

By reference to the letter it will be seen that Avery made an appointment with Miss Cornell on the 20th of October. The night in question was one of those beautiful evenings so peculiarly a feature of the New England Indian Summer. The stars shone out in all their brilliancy, and the light emitted from so many countless worlds was nearly as strong as that white lustre reflected from the moon. It was Saturday, and the great mills, which gave employment to so many busy hands, were dark and deserted; only the streets presented a lively appearance, filled as they were with gay throngs of the operatives, male and female, unusually merry in the knowledge that there was no work on the morrow.

The Methodists had been holding a revival service which lasted four days, and after supper Miss Cornell donned her shawl and hood, and telling her friends, the Coles, that she was "going to meeting," sallied out—in reality to meet the man who had betrayed her honor.

She walked through the streets quickly, and with averted head endeavored as much as possible to shun observation. Several of her acquaintances met her and spoke, but she passed on without heeding them. She was nearly in front of the old meeting-house on the Main street, when a



tall man, wearing a long cloak, his face shrouded by a broad-brimmed hat, came toward her, and taking his arm the two retraced their steps, and shortly turned into Spring street. Neither spoke until, in the course of their walk, they passed into the outskirts of the town. When they were entirely alone, and the lights from the nearest house shone dimly distant, Miss Cornell halted and, facing her companion, said :

"Well !"

"I came, Sarah," replied Avery, for it was he, "to see if this matter cannot be settled."

"How do you propose to settle it? Can you give me back my virtue and my good name?"

"No!—that is—really—you are sarcastic—you are too severe, Sarah."

"Too foolish, perhaps, would be better," was the disdainful reply.

"Well! really, you do act foolishly when you talk about being ruined and all that, just because you happen to be in an unfortunate situation that a few months retirement among strangers will make all right. No one that you need care about will know of it, and as to the child, it can be easily disposed of."

"My sister suspects my condition."

"Nonsense! How could she, unless you have been foolish enough to tell her?"

"Foolish or not, I have told her, and I will tell others. I will tell the world! I will brand you the wicked hypocrite you are! It will ruin me, but I will have the satisfaction of knowing that I will drag your good name down with mine, in shame and ignominy!"

A hot flush mantled her cheek while she spoke, and her eyes blazed with a basilistic fire. She peered intently at her companion's face to see what effect her words had upon him. Instead of dropping upon his knees and suing for pardon, the villain threw back his head and burst into a loud laugh.

"Ho! ho! ho!" he shouted. "I shall really believe that you are de-mmented. Who do you suppose would believe the story if you were foolish enough to tell it?"

"But it is the truth!"

"Granted! But I shall deny it. I am a man of good standing in the community; a minister of the gospel, revered and respected. You are a poor factory girl, and like the majority of your class, with a doubtful reputation. Which do you think the *world* will believe?"

The question had not presented itself to her in this light before, and conscious that even now he had the advantage of her, she dropped her head and burst into tears. Avery stood regarding her for several minutes without speaking, and then, laying his hand on her shoulder, said :

"There, there! Sarah. Dry your eyes, and listen to reason."

Her sobs still continuing, he passed his arm around her waist and drew her toward him.

"If you will listen to me it will be all right," he said, stroking her face. "Come, let us walk back toward town. I must not be away long."

Without a word she allowed him to draw her arm in his, and thus together they retraced their steps. He assured her that he meant to stand by her and help her, and that if she would only retire into the country where she was not known until after her confinement, it would be all right. She could come back and no one would be the wiser for it. During the progress of the conversation they had entered the town and were nearing the spot where she had met him. She had just given her consent to his plan, when a man and woman passed them. Sarah looked up and recognized the couple as Bailey Borden and wife. Mrs. Borden nodded, and she was on the point of returning the greeting, but was restrained by Avery, who, when any one approached, averted his face.

"Don't recognize any one while I am with you," said Avery, impatiently. "You don't know what might occur, and it is better that I keep dark in this matter."

Sarah promised, and Avery shortly bade her good-night. The two separated, she to return to her lodging to spend the night in tears and anguish; he to mingle with the church people as preceptor and instructor in that which teaches us to lead moral, upright, honest lives.

### Nearing the End—The Mystery of the White Letter—Going out to Her Death—The Murder.

**I**T was about three weeks before her death when Miss Cornell left the Coles and went to board with Mrs. Harriet Hathaway. Her landlady's daughter worked by her side in the mill, and the two became quite intimate.

One day, a short time after she took up her residence with the Hathaways, she showed her friend a white letter which she said she had that day received. It contained only a few lines, and was the one from Avery making the appointment for the evening of the 20th of December.

It was the afternoon of the fatal day, and Miss Cornell was working at her loom, when one of the girls in the room approached and asked:

"Sarah, can you let me have two shillings until pay day? I need an apron very much and I haven't the money to buy one."

"Certainly," replied Miss Cornell, taking out her pocket-book, "and I will give you the money to buy one for me, too." And then, turning to Miss Hathaway, she said, "Don't you want one, Lucy?"

The girl replied in the negative, and after handing the money for the



aprons to the young lady, she said, "On second thoughts, you had better get me the stuff, and I will make one for myself. If you and Lucy will help me get my web out, I can easily make it while the loom is fixing."

The two girls promised to assist her, and after the girl who had borrowed the money went back to her work, Miss Cornell seemed very abstracted. Her friend rallied her on her melancholy, and she replied:

"I don't feel very well, Lucy."

"Are you sick? What is the matter?"

"I have been unwell ever since the camp-meeting at Thompson. It originated there."

"What seems to be the matter?"

Miss Cornell blushed at this question, and, after a moment's hesitation, approached her friend and they held a whispered conversation for several minutes. Finally Miss Hathaway spoke aloud:

"But you say it originated at the camp-meeting."

"Yes. And I will never go to one again. I saw things at Thompson which disgusted me, between a church member and a minister, and that minister a married man, too."

Her friend thought a little strangely of this somewhat ambiguous accusation, but said nothing; and just before five o'clock Sarah left the mill, and went directly to her boarding-house.

"You are home early, Sarah," said Mrs. Hathaway, as she entered.

"Yes'm. I am going to Joseph Durfee's, but I shall be back soon, I think; before nine o'clock anyway."

"Do you want your supper?"

"Just a cup of tea and a biscuit. I am not very hungry."

Mrs. Hathaway bustled about to prepare the supper, and Sarah, trilling a favorite song, went up-stairs to dress. These humble preparations for her journey were soon completed, and she was in the act of leaving the room, when she stopped and, taking a piece of paper from her writing-desk, hastily scribbled a few lines thereon, and folding up the slip placed it with the pencil in the bottom of her bandbox.

"There," she said to herself, "if he wants me to go away to-night, and Mrs. Hathaway should get alarmed on account of my absence, that will give her a clew. If I come back to-night I can destroy it."

While she was eating her supper she seemed unusually merry and light-hearted, for she was thinking of the deliverance from shame near at hand, and chatted away with Mrs. Hathaway as she had never done before. When the meal was finished, she kissed the landlady good-bye and started out in the direction of Tiverton. The mills were not yet closed, and it being an unusually cold night, she met but few people, and these were too busily engaged trying to keep warm to pay any particular attention to her.

Just before she reached the bridge, Avery came toward her from a spot

where he had been watching in the rear of the old meeting-house, which had been the place of assignation for all their interviews.

He had a parcel in his hand wrapped in a red handkerchief, and with a simple word of greeting, Sarah took his arm, and the two walked along the road to Tiverton. It was now quite dark, and as they trudged along Miss Cornell asked :

“Where are you going?”

“Over near Durfee’s. As I came along this afternoon I noticed he had a large stack of hay right close to the road. We can sit down in the shelter of that, and be as comfortable as though we were in a house.”

“Have you come to any conclusion as to what had best be done?” she said.

“Yes!”

“Well, where shall I go? Have you found a place where no one would be likely to find it out?”

“You need not go away at all.”

“But if I stay, I shall be disgraced.”

“No! I will fix that.”

“How, pray?”

“Wait until we get to the haystack, and I will tell you.”

She said nothing more after this, but drew her cloak about her, and clung closer to the arm of her companion.

Avoiding Durfee’s house, they reached the haystack and seated themselves on the sheltered side.

“Now,” she said, “what is your plan?”

Avery made no reply to this direct question for several minutes, and then in a low voice urged her to consent to a nefarious scheme, which he had concocted and perfected in all its details with the cool, devilish precision of a Rulof. He used every argument which words could compass, and at last, controlled by the same mysterious influence which had wrought her ruin, Miss Cornell consented to his plan.

Suddenly the quiet of that lonely spot was disturbed by shrill screams of mingled terror and pain, and the helpless girl, crying

“God have mercy! You have killed me!” fell back in a dead swoon.

Avery started to his feet with guilty fear, and stared wildly about him. But no unusual excitement was visible about the houses grouped around the stack-yard, and after listening a few moments to see if any one, alarmed by the cries, approached the spot, he turned again to his companion with a sigh of relief.

Sarah had fallen upon her back, and as he bent over to lift her up, her pale face shone strangely white in the dim starlight.

“Could it be death?” he thought. “No!” She was yet alive, and the pallor which so startled him was the whiteness of a swoon.

The sight of her lying there so still and white, unconscious of all passing



around her, led his thoughts into strange channels, and his face lit up with a gleam of devilish ferocity. His breath came in hurried gasps, and his brain reeled in a delirium of frenzy. He turned, as though animated by a sudden purpose, and strode through the bushes and over the rough, stony ground with swift strides. Against the distant horizon loomed up the shadowy outline of a farm wagon. It was directly in his path. He stopped before it, and leaning over the side lifted up a cloth or bag which lay in the bottom, and in nervous haste began to tear it apart.

"This will do," he cried at length, holding up a piece of twine. "It is hemp, and strong as a cable."

He threw the remainder of the bag back into the wagon, and with the string in his hand started back toward the haystack. As he passed through the bushes a trailing bramble caught his cloak and detained him for a moment. With a fierce curse he tore himself loose, and with such strength that he reeled madly. He heard something fall and strike with a sharp ring on the frozen ground. He turned back to search for it, and groped blindly among the bushes and briars with his naked hands. Whatever it was, he could not find it, and again he started off.

Reaching the haystack, he lightly vaulted the fence, and raising up the body of the fainting girl, threw back her head, and passed the cord he held in his hand twice around her white neck. Seizing the two ends, he crossed them and drew the loop together with all his strength. The girl started, and opened her eyes. He drew the string tighter. She struggled faintly, gasped once or twice, and beat the air with her hands, as though to tear away the thongs which kept out God's pure air and caused strange lights and most horrible phantasmagoria to flit through her brain. In vain. The cruel string clasped her neck the tighter, and with a final shudder her hands dropped to her side, and the head fell back.

The murderer had accomplished his work, and it only needed to destroy all traces of his crime!

He dropped the body, and began to unlace the dead girl's shoes; he lifted up the corpse, already assuming rigidity, and making the cord fast about her neck, reached up and tied the other end to a stake leaning against the haystack. As he raised her in his arms her long hair fell down and veiled the sweet face from the unholy gaze of the murderer. Folding up her clothes smoothly under her knees and lifting her feet from the ground, he placed the shoes together and set them down near the body. Then, with a last look around him to see that no eye looked upon him, he vaulted the fence and plunged down the road toward Howland's Bridge.

The ghastly object hanging against the stack grew colder and more rigid. The long hair floated back and forth on the night breeze, and the gray December dawn ushered into the light of day all that remained to witness the terrible deed.

## The Flight of the Murderer—A Terrible Ordeal—Hiding from the Populace.

**A**FTER leaving the haystack Avery shaped his course in the direction of Howland's Bridge, intending to reach Portsmouth if possible before midnight. He could take the ferry from there to Bristol. He had occasion in the course of his walk to require his handkerchief, but after diligent search he could not find it, and thought he might have lost it somewhere in the hurry of escape. It was an ordinary red bandana and there was no mark upon it by which it could be identified.

When he reached Portsmouth it was past nine o'clock, and not caring to disturb any of his friends, he went to the only hotel in the place, kept by one Jeremiah Gifford, who also owned the ferry, and finding everything dark, knocked loudly for admittance. He tried the front door a while, and then went around to the rear of the house. His efforts here were more successful than in front, for after pounding vigorously for several minutes, footsteps were heard on the inside, and the proprietor, evidently just from his bed, opened the door and peered cautiously out.

"Who's there?" he said, not at first seeing Avery.

"Me!" replied the preacher, stepping forward. "How do you do, Mr. Gifford?"

"Oh, it's you, is it, Elder?" said Gifford. "Walk in."

Thus invited, Avery came into the room, and approached the fireplace, where burned a cheerful fire.

"It's late," observed the hotel-keeper, setting down his candle and barring the door.

Avery looked up from the fire and remarked, "Not so late as you think for. Can you take me across the ferry to-night?"

"No, sir! It will be impossible to take you across before morning."

"I have been up the island on business," said Avery. "Brother Warren told me I could cross the ferry at any time. If I had known I could not cross, I would not have disturbed you, but kept on to brother Cook's, and spent the night there."

"As for that, elder, you can have a bed here, and I will take you across early in the morning."

"No, no! But you may give me a drink of water if you will. One of my family is unwell, and I am anxious to get home as soon as possible."

"You'd better stay, elder," persisted Gifford. "It's a cold night, and it's a long walk to Cook's."

"I don't know but you are right," replied Avery, after considering a moment. "I guess I'll stay."

Gifford took up the candle, and bidding his guest follow him, led the way up-stairs. They passed a clock in the entry, and Gifford observed that



it was fifteen minutes after ten o'clock. He ushered the minister into an unoccupied chamber, and bidding him good-night, sought his own couch.

Avery was up betimes, and after a hasty breakfast was rowed across the ferry by Gifford's son, William. On the way across the young man turned to the preacher and said :

"I did not know you were going to preach last evening, elder."

"And I did not," replied Avery. "I was up to brother Cook's on business of my own."

"Oh!" rejoined the young man, and he relapsed into silence.

Safely across the ferry Avery breathed freer, and just as people were beginning to stir and begin the business of the day, entered his own house, and went directly to bed.

He had a terrible ordeal to pass through in the next few days, but he had studied his part well, and bore up under all the direct evidence hurled against him, with a fortitude and bravery that, had he been innocent, would have been worthy of a Spartan.

He had no lack of friends, and the result of the trial showed how well they stood by him. With the majority of them it was not because he was a minister of the Methodist church, and was being wrongfully persecuted, that they defended him, for no sane man could have doubted his guilt spite his fervent protestations of innocence; but it was brother Avery, the god-like, the saintly, the eloquent, who was accused of murder, and he must be acquitted at any cost, even if perjured testimony was necessary.

After his apprehension and before his release on bail to remain confined to his own house, secret meetings were held nightly by the members of his church, and under the guise of pious condolence with their pastor in his dire distress they hatched up a plan for his acquittal and release worthy the arch-fiends in hell.

Something must be done to rebut the strong evidence of his guilt, and to offset the strenuous efforts being made by the citizens of Fall River to have justice done. The country was scoured in search of witnesses not over scrupulous or nice, who would swear to any story that might be taught them. Money was raised to defray the expenses of the trial, to employ the best legal talent, to buy and to bribe, and the Fall River people began to fear that they had been too lenient with the priestly murderer, and to wish that without trial by jury or sentence by judge, they had strictly administered the old Mosaic law, which gave an eye for an eye, a tooth for a tooth, a life for a life. So strong was the feeling against Avery, and so much were the people displeased with the lenient manner in which he had been treated, that a large crowd besieged his house Christmas morning, and demanded that he be delivered over into their hands to receive the punishment he so richly deserved—Death!

It is perhaps no more than justice to this mob (although no one more than the writer deprecates mob law) to say that had Avery fallen into their

hands, he would have been dealt with as justly as though he had been arraigned before a regular tribunal. They thought it unfair (and the writer is forced to the same belief) that he should be examined in his own town, by magistrates of his own selection who were members of his church and his friends. They argued, and with reason, that, had he been taken into the county where the crime was committed, and examined there, he would have been remanded to jail to await trial, instead of being released on bail. They simply demanded justice, and from appearances it seemed that they meant to have it.

At the approach of the crowd, Avery, surrounded by several of his most intimate friends, and hence his most fanatical partizans, retreated to an upstairs room, and standing beside the window surveyed the excited crowd below. Determined faces glared up at him, and he trembled for his life.

"Won't somebody go down, and—and—pacify—try to induce them to leave?" he said, with a beseeching look at his friends.

Nobody volunteered, however, and he walked up and down the room with nervous strides, from time to time stealing to the window to take observations. Suddenly he stopped, and all color forsook his face, as a crash was heard below, like the bursting of a door or shutter, and the heavy tramp of many feet over the kitchen floor told the scared men above that the mob had effected an entrance.

Below stairs the noise grew louder, and angry words, mingled with imprecations and curses on the head of the man of whom they were in search, were plainly heard. One of the party in the room, bolder than the rest, opened the door and went down-stairs. The room was full of men, from their dress and manner evidently work people, and to one who seemed to be the leader, the man addressed himself:

"What do you want?" he said, still standing on the stairs and holding the door but a little way open.

"We want the preacher!" replied the man, and the crowd echoed his words, "Yes, the preacher! We want the murderer!"

"But, gentlemen," said Avery's friend, at that minute catching a glimpse of Deputy Sheriff Paul, "you can't have him."

"But we'll take him!" persisted the mob, crowding about him. "He shan't escape. We'll hang him!"

"Mr. Paul," cried the man, still holding the door, "will you allow us to be murdered? Can you not pacify these men?"

It is doubtful whether the deputy sheriff expressed his thoughts on the matter when he replied, but he was a sworn officer of the law, and must do his duty.

"You shall be protected," he said, and then, turning to the crowd, harangued them at some length. After some little time they filed slowly out, but it was evident they were not satisfied, and many lingered about the house until nightfall.



Deputy Sheriff Paul, accompanied by the engineer, Orswell, went upstairs, and after his companion had positively identified Avery as the man from whom he had received the letter, left to return to Fall River, and, the crowd having thinned down to a few stragglers, the preacher ventured to go down-stairs and eat his supper.

Fearing that if he longer remained in the house the mob might return and hang him to the nearest tree, he begged his friends to remain by him, or take him to a place of safety, and until after the examination he remained hidden. When he was finally released on bail, he broke the stipulation of the recognizance, and, aided by these same friends, left Bristol under cover of darkness, and by circuitous routes, travelling only at night, at last reached the house of a friend in Rindge, New Hampshire.

### Avery Re-Arrested—The Body of Sarah Cornell Exhumed— The Trial Begins.



WHEN it became generally known that Avery had fled the State, the people of Fall River were highly incensed, and a party was at once organized to ferret him out and bring him back to justice.

Although he had disguised himself as much as possible by shaving and cutting his hair, he was tracked to his hiding-place and re-arrested.

They found him concealed in the house of a Mr. Mayo, who was prominently connected with the Methodist church, and although Avery contended that he could not be arrested without a requisition, and objected very strongly to being taken back to Rhode Island, they satisfied him that they were proceeding in the matter legally, and brought him back in triumph.

On the 28th of January the body of the murdered girl was exhumed, and examined for evidences of an attempt at abortion. Dissection indicated that such an attempt had been made, and the government, with this new evidence in its possession, seemed confident of convicting the prisoner.

Slowly the time slipped by, and, spite of the powerful combination organized to defeat the ends of justice, the grand jury presented a bill of indictment against Avery, and at the session of the Supreme Judicial Court, holden at Newport, within and for the county of Newport, on the first Monday of March, 1833, he was arraigned, and through his counsel pleaded *not guilty*.

The time elapsing since the commission of the crime had enabled Avery to get full command of his faculties, and he came into court and seated himself near his counsel with a jaunty air of triumph.

The sixth day of May was assigned by the court for the trial, and Avery was then remanded. On the day in question, on the re-assembling of the court, Samuel Eddy, Chief-Justice, presiding, Charles Brayton and Job

Durfee, associates, on motion of Albert C. Greene, Esq., Attorney-General, the prisoner was brought into court.

As he marched forward to the dock, closely guarded by two deputy-sheriffs, all eyes were upon him, and a murmur of sullen rage arose from the throng of men, women and children crowded into the court-room. The restless eyes of the prisoner wandered about the room and then sank to the ground. He took his seat, and after a moment gained confidence and lifted his eyes.

The Attorney-General moved that a *venire* be ordered to issue to summon forty-eight jurymen, in addition to the fourteen already drawn, these jurymen to be in court at nine o'clock on Tuesday morning.

Richard K. Randolph, Esq., one of the counsel for the prisoner, moved "that such gentlemen as might be in court for the purpose of taking notes be prohibited from causing the same to be published, until after the verdict of the jury be rendered," and extraordinary as such a request may be considered by the people of to-day, enjoying all the benefits of telegraph, fast mail, and an enlightened press, it was so ordered!

Promptly at nine o'clock court opened and the prisoner entered, a trifle paler than the day before as though the excitement and suspense of the trial was beginning to wear upon him.

After the calling of the jury the clerk read the indictment, and turning to Avery addressed him as follows:

"Ephraim K. Avery, to this indictment you have already pleaded not guilty—what say you now?"

The prisoner rose slowly to his feet, and raising his eyes, replied in a low voice:

"Not guilty!"

"How will you be tried?"

Avery's admirable self-possession and mental control was coming to his rescue, and his reply to this question was given in a louder key and more confidently:

"By God and my country!"

"God send you a good deliverance!" cried the clerk, and the court then ordered the jurors to be called.

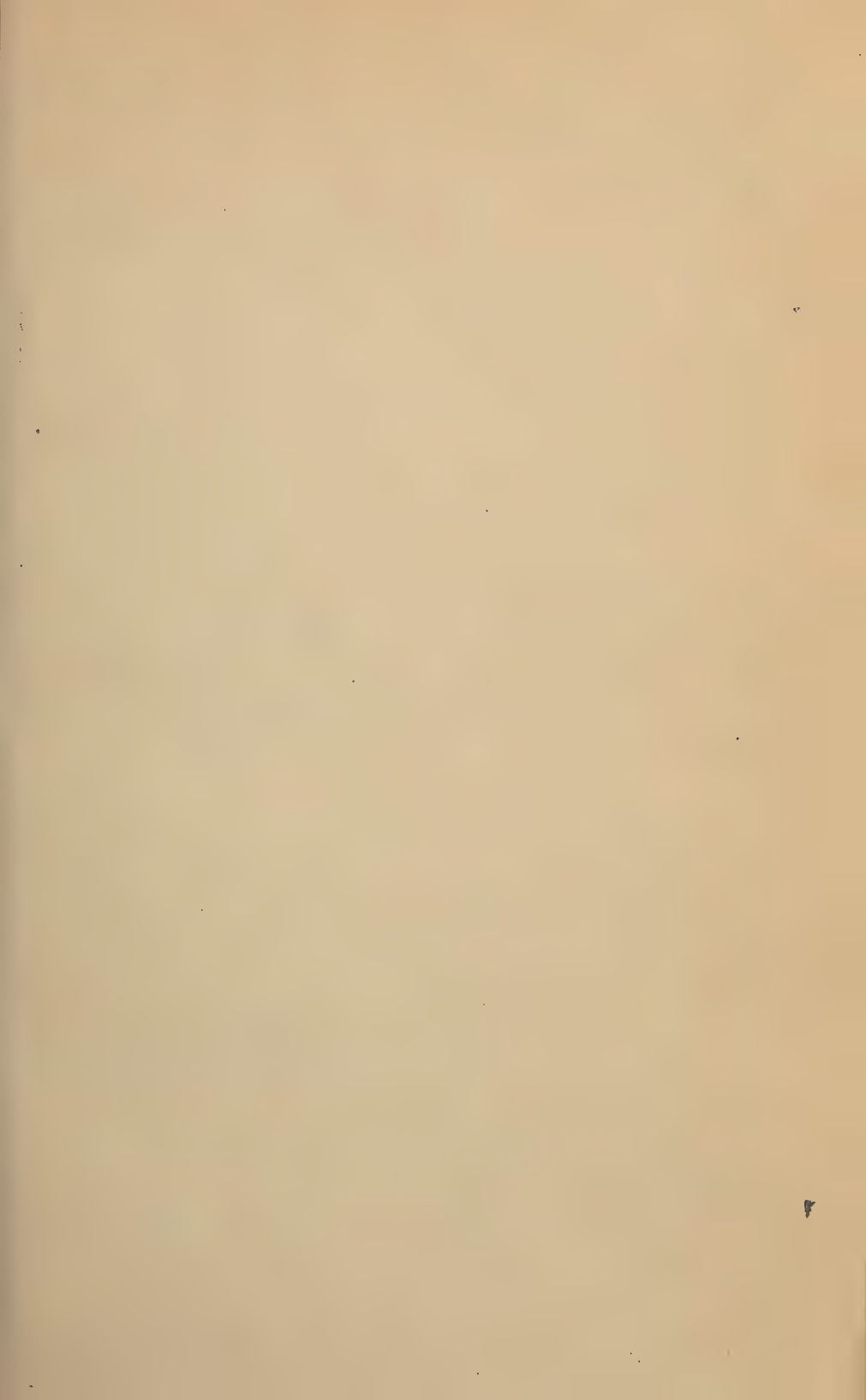
All the remainder of the day was spent in getting a jury. Six only were obtained in this panel, and the court therefore ordered another *venire* to issue for sixty new jurors, and adjourned until Wednesday at three P. M.

The court re-assembled at three P. M., on Wednesday, and the business of getting a jury continued. Forty-four of the last panel were gone through with before twelve men, "good and true," were found.

After the jury were sworn, the prisoner was called and the indictment read.

"To this indictment the prisoner has pleaded not guilty," said the clerk, "and for trial has put himself upon God and his country, which country, gentlemen of the jury, you are. Hear the evidence!"







The unsuspect'ng girl was strangled by the scoundrel ere she became aware  
of his cruel intention.

Das ahnungslose Mädchen war von dem Schurken strangulirt, ehe sie seine grausame  
Absicht bemerkt hatte.



After this there was some legal sparring over the question of an adjournment, and the court, to end the matter, did adjourn until the next morning.

### Opening of the Case for the Government—The Fourth, Fifth and Sixth Days of the Trial.

**A**T the opening of the court on Thursday, the fourth day of the trial, the court-room was crowded to suffocation, the audience being composed of the two diverse elements—the factory operatives from Fall River, and the members of Avery's church in Bristol.

Dutée J. Pearce, Esq., opened the case by saying that, although the indictment which had been read to the jury contained three counts, the charge against the prisoner was murder, and if he was convicted on either of the three, the verdict would be substantially the same. After saying that under the statutes of Rhode Island the crime of murder was punishable by death, he recapitulated what would be proven by the evidence for the prosecution.

The government would prove to the jury that on the morning of the 21st of December, 1832, the body of Sarah Maria Cornell was found dead, hanging from a stake near a haystack, on land of John Durfee, in Tiverton, about half a mile from the village of Fall River. It would be proven to them that she left her boarding-house in Fall River, the evening before, in good health, and for her, in uncommonly good spirits; that from the circumstances attending the adjustment of the cord by which she hung, there was good reason to conclude that the hanging was not her own act, and that from the appearance of her neck, and of the cord, there was sufficient ground to conclude that she was first strangled, and subsequently hung to the stake. It would be also proved that wounds and bruises were found upon her body, which could not have been inflicted by herself, and the disordered appearance of her hair, and her comb being found broken at a distance from the place where she hung, were circumstances to indicate a struggle, and to satisfy the jury that she owed her death to some other hand than her own.

The question would naturally arise, who was the author of her death? If the prosecution could show the jury, upon this point, a previous intimacy between the prisoner and the deceased, and if her situation, caused by him, was such as might furnish him with an inducement to commit the act; if, on the day of the murder, the local situation of the prisoner was such that he might have committed the deed; if on the afternoon of the 20th of December, a very cold day, he left home, without giving any reason, or stating his designs to any one, and if the reasons subsequently given by him were proved to be inconsistent and absurd; if from Bristol ferry, at 2 o'clock P. M., he was traced by an indirect route to Howland's ferry bridge; if, from Lawton's house, near the bridge, he was traced by an indirect road to

Fall River; if from Fall River he was brought back again, along a by-path to the stack; if from there he was carried back again to Bristol ferry; if further evidence of violence from screams heard near the place where the body was found, were given; if, in addition to all this, there was shown that by a correspondence between the deceased and the prisoner, this very place of meeting had been agreed upon; if the parties were thus brought together, and thus prove a murder committed, the prosecution would submit to the jury that the prisoner at the bar must have been the author of the violence.

John Durfee, the first witness examined for the prosecution, testified to the finding of the body hanging to the haystack on the morning of Friday, the 21st of December. He approached to see if she was dead, and called to several of his companions for assistance. The body was cut down. He described the position of the shoes, and identified the handkerchief found near. He went for the coroner, and also brought away Miss Cornell's trunk and bandbox from her boarding-house. In the bandbox he found four letters and a piece of paper, which he delivered to the coroner's jury. He further stated that on the day previous to the murder, just before sunset, as he was driving his cattle into the barnyard, he saw a strange man about twenty rods from the stack where the body was found. The man was tall, had on a dark-colored coat and cape, and a black hat with high crown and large brim. He did not see the man's face.

William Durfee was one of the jury of inquest. He examined the cord about the neck of the deceased. It was deeply imbedded. The knot was under her right ear, and the cord passed twice around her neck. The knot was what farmers call two half-hitches, and sailors a clove hitch.

Seth Darling lived at Fall River, saw the body in the stack-yard and described its appearance, and the peculiarity of the knot with which she was hanged. He sometimes acted as assistant postmaster at Fall River. He made up the mail for Bristol on Monday morning, the 19th of November, 1832. It contained but one letter. The letter-box stood near him open while he was making up the mails. He heard some letters drop, and took out two. One was directed to South Woodstock, Connecticut, to Mr. Grindall Rawson (a letter being shown witness, he thought it the same, and that the postage marked on it, "10," in figures, was his hand); the other was for Bristol, and directed to Rev. Mr. Avery.

Elihu Hicks, the coroner of Tiverton, testified to holding the inquest and to the appearance of the body.

Dr. Foster Hooper examined the body, and testified to its being bruised in several places. He examined the body for the second time on the 28th of January, and from the appearance of the womb and the abdominal muscles, should infer that some hard substance had been introduced into the womb. Could draw no conclusions as to the fact of its having been done to produce abortion. The fetus found in the uterus weighed about five ounces,



and measured about eight inches in length. Medical authorities assert that a fetus eight inches long would be three months and twenty days old.

Dr. Thomas Wilbur also examined the body. His suspicion of murder was grounded on the fact that the indentation of the cord on the neck was as near one ear as the other; that there was a contusion on her hip, bruises on her knees, as if she had been down on them, and knocks or scratches, six or eight in number, on each leg between the ankle and the knee.

Lemuel W. Briggs, postmaster at Bristol, testified that on the 19th of the last November but one letter was received from Fall River, on which the postage was six cents. His book showed a charge of six cents to E. K. Avery on that day. On the 12th of November but one letter was received from Fall River, and on that day his book shows a charge of six cents against E. K. Avery.

Benjamin Manchester was present when the body was cut down. He found a piece of comb in a sort of path about eighteen or twenty rods from the stack. On the 20th of December he was at work blasting stone about fifty rods from the stack. While in the act of running from a blast he observed a man getting over a wall near the ledge where they were blasting. He called to the man to "look out," and he halted until the stone was done falling and then walked off. He had on a dark cloak and coat, and a large hat with a broad brim. He did not see his face. He saw Avery at the Bristol examination, and watched him as he came out of court. As to height, dress and hat, he compared very well with the man seen. There was a cart standing near the stack, into which was put the tools, and the bags used to sit on when drilling. The bags were sewed with twine. He compared a piece of this twine with a piece of the cord by which the girl was hung, and could see no difference in size or color. A piece a yard, or a yard and a half long, might have been got out of the bags.

Meribah Borden assisted in laying out the body. Down the back was a very dark bruise. On both sides of the body there was an appearance of the prints of fingers, the thumb presenting forward. The fore part of the body, above and below the thighs, was bruised very badly. There was a little blood on her linen. This witness was corroborated in her testimony by others.

Abner Davis saw the man near the ledge of rocks when the blasting was being done. In general appearance he compared favorably to the prisoner.

William Hamilton was passing near the scene of the murder on the night of the 20th of December, and heard a shrill cry, like that of a woman in distress. It came from behind Durfee's house. The time was about fifteen minutes of seven.

Eleanor Owen, who lived at the house of Thomas Tasker, the agent of the calico works, on the edge of Fall River, heard a noise like a person screaming on the evening of the 20th of December. The wind was from

the direction of the stack-yard, and the screams seemed to come from that way. It was about quarter of seven.

William Pease, Jr., ferryman at Bristol ferry, carried Mr. Avery across the ferry from Bristol to the island about 2 P. M. on December 20th.

Jeremiah Gifford saw Mr. Avery on the Portsmouth side of the ferry, in company with the last witness. Avery came to his house that night, at about quarter after ten, and wanted to be taken across the ferry to Bristol. Finding that he could not be carried over until morning, Avery stayed with him until daybreak, when his son William took him across. Avery wore a dark coat and cloak, and a black hat, large and broad-brimmed. He had no bundle nor cane.

William Anthony, who lived at Portsmouth, east of the ferry house, saw a stranger, on the 20th of December, in the afternoon, walking toward Tiverton. He was tall and wore a dark-colored dress.

William Carr, also residing at Portsmouth, met a man on the 20th of December, between two and three o'clock, as he was returning from Fall River in a wagon. The man answered Avery's description.

Peleg Cranston, keeper of Howland's ferry bridge, testified that a man answering the description already given passed across the bridge on the afternoon of December 20th. He thought he should know the gentleman again from the fact that he had some conversation with him. The man said he was going to Fall River. He thought he saw him at the Bristol examination. He meant Mr. Avery. He went into the court-house and, before he was pointed out to him by anybody, identified him as the man.

Several witnesses, living along the road between the bridge and Fall River, testified to seeing a man who answered Avery's description pass on the afternoon of that day, and Gardner L. Coit, bartender at Lawton's tavern at Fall River, served supper to a man whom he now identified as Avery, at about six o'clock.

John Borden, living at Tiverton, about half way between the ferry bridge and Fall River, met a man at about nine o'clock on the night of the 20th of December going in the direction of Howland's bridge. The man was tall, but it was too dark to otherwise describe him.

William Gifford carried Mr. Avery across the ferry on the morning of the 21st of December, from Portsmouth to Bristol, and his sister, Jane Gifford testified to the facts already given in the testimony of her father.

Harriet Hathaway was Miss Cornell's landlady. She left home on the 20th of December, about dusk. Said she was going to Joseph Durfee's, and would return before nine. She seemed more cheerful than common. Miss Cornell was not in the habit of being out evenings, except when she went to class-meetings.

The testimony of Lucy Hathaway, daughter of the preceding witness, who worked in the mill with deceased, was similar to what has already been

given. In addition she identified three letters which were shown her as ones she had seen in Miss Cornell's possession.

### Seventh, Eighth and Ninth Days of the Trial—Closing the Case for the Government.

**M**ONDAY, May 13th, was the seventh day of the trial, and when court opened the crowd seemed in nowise diminished. The prisoner, a little paler than when the trial began, was in his accustomed seat near his counsel, and listened to the evidence with marked attention.

The first witness called was Horney Hornden, one of the committee appointed by the citizens of Fall River to conduct the prosecution. On the Saturday evening of the first week of the trial, he called at the store of Iram Smith, in Fall River, and asked for all the remainder of the letter paper he had in his store on the 8th of December. A half sheet was among the paper, and this was compared with another half-sheet (*i. e.*, the white letter found in trunk of deceased), and as regarded texture, color, and the fitting together of the torn edges, the two half-sheets were found to correspond exactly. They corresponded when examined through a microscope. Witness arrested Mr. Avery, after the Bristol examination, at the house of a Mr. Mayo, in Rindge, New Hampshire. He had disguised himself by shaving and cutting his hair.

Jeremiah Hambley, living in Fall River near the old meeting-house, saw a tall man, accompanied by a woman, turn down the lane leading to the bridge, on the 20th of December last in the evening.

Iram Smith, who kept a store in Fall River, testified that on the 8th of December, at about nine or ten o'clock in the morning, Mr. Avery was in his store and asked for writing-paper. It was furnished him, and he used a half-sheet. The other half-sheet was handed by witness to Colonel Hornden.

Jeremiah Howland was in the store of last witness on 8th of December. Mr. Avery was also present. He heard Avery call for paper, and saw him with some in his hand behind the counter at the desk.

Stephen Bartlett, driving the stage from Fall River to Bristol, carried Mr. Avery home on the 8th of December. He got on the stage at Lawton's door, and came from the direction of the post-office. John Orswell, engineer of the steamboat King Philip, running from Providence to Fall River, identified the red letter found in the trunk of Miss Cornell as one he had first seen at Providence in the hands of Mr. Avery. It was in the latter part of November, and the letter was put in the hands of witness to deliver to Miss Cornell by a man whom he was certain was Avery. The letter was directed in the care of Mrs. Cole.



Elijah Cole received the letter from Orswell to be delivered to Miss Cornell, who was boarding with him at the time. While Miss Cornell lived with him she conducted herself in a becoming manner.

Betsey E. Cole, daughter of the preceding witness, remembered the red letter. It was received on the 27th of November.

At this point the attorney-general offered to put into the case the three letters found in trunk of deceased. But this being opposed by the prisoner's counsel, the matter was postponed till the morning.

John J. Paine, now living at Providence, first knew Miss Cornell at Woodstock, in May, 1832. She was living with her brother-in-law, Mr. Rawson. Witness carried her to the camp-meeting at Thompson in August last. He saw considerable of Miss Cornell while she was at Mr. Rawson's. Her manner and deportment were modest.

Nancy Rawson, the sister of Miss Cornell, testified to the latter's visiting the camp-meeting at Thompson. Eight days before the camp-meeting she was unwell. She left their house on the 2d of October, and at the regular time was the contrary of the previous month. She told witness what she feared might be her condition.

On Tuesday morning the attorney-general, according to his notice given the day before, offered to put in the letters found in trunk of deceased. The red letter was offered first, and after considerable argument it was admitted. Mr. Randolph, of counsel for the prisoner, asked if the jury were to presume it Avery's letter. Chief-Justice Eddy said the jury were to draw their own conclusions. It was admitted merely as a paper found in her possession. The attorney-general then offered the white letter. It was objected to by counsel for the prisoner, but the chief-justice was of the opinion that it might be read to the jury as matter tending to rebut the presumption of suicide. The yellow letter was then offered, but not admitted, after which the slip of paper found in Miss Cornell's trunk was read to the jury.

Bailey Borden, and his wife, Mary D. Borden, met Miss Cornell in company with a man, who in every particular resembled the prisoner, on Spring street, Fall River, near the old meeting-house, on the evening of the 20th of October, about half-past nine.

Margaret B. Hanly lived at Lawton's hotel, in Fall River, on the 20th of December. A stranger took supper there that night alone. He was about as tall as the preacher, and resembled him in every feature. Two other persons, one a pedlar, took supper together a little after.

Grindall Rawson testified as before related, and spoke of deceased as one who had always borne a good character, so far as he knew. She conducted herself properly while she was an inmate of his house. She accused Mr. Avery of being the cause of her trouble. Being shown the slip of paper found in Miss Cornell's bandbox, he identified it as her handwriting.

John Boyd, residing at Portsmouth, had some conversation with Mr.





The terrible scene of the murder.—Sarah's body found hanging to the hay-stack.  
Die schreckliche Scene des Mordes.—Sarah's Leiche wurde hängend am Heuschuber gefunden.



Avery, shortly after the examination began at Bristol, as to his whereabouts on the 20th of December. Avery said he came over the ferry and went directly up the road and got over the wall near the mill. Witness could not say whether a little this side or beyond. He then steered off in about a southwest direction, till he came to a brook or rivulet. Near the brook he saw a man with a gun, and had some conversation with him. He also met a boy, with whom he also conversed.

Lucy Spink saw a man who resembled prisoner in company with Miss Cornell on the night of the 20th of October.

Sarah S. Jones lived at Portsmouth, and on the 20th of December saw a stranger pass her house in the forenoon. She had some conversation with Mr. Avery on this subject at his house. He inquired about the appearance of the man and the direction he took. He told her not to repeat in court that he had inquired of her. Mr. Bullock was present. In the entry, coming down, Mr. Avery told her his life was worth thousands of worlds, and depended on her evidence.

Rufus H. Lesore was clerk in the post-office at Fall River in November and December, 1832. He recollected delivering a letter to S. M. Cornell, marked one cent postage. The letter was dropped in the same day he delivered it. The man who dropped it in resembled the prisoner.

The attorney-general here stated that the evidence for the government was closed.

### **The Defence—Attempting to Prove the Evidence for the Prosecution False—The Value of Friends—A Last Effort for Justice.**

**T**HE case was opened for the defence on the afternoon of the ninth day by Richard K. Randolph, Esq., in a long speech, wherein he questioned the veracity of the testimony offered by the prosecution, and attempted the hypothesis that the death of S. M. Cornell was a suicide. He would prove that the knot was one used by weavers in mending the harness or their looms, and that the fact of the string by which she was hanged being so short was nothing at all. The government witnesses had all said that the cloak worn by Miss Cornell was so far unhooked that she might have fastened the rope with her own hands, and once fastened, even allowing the knot to be a clove hitch, a sudden pull would have drawn it as tight as it was. He ridiculed the assumption that the paper found in the girl's bandbox was sufficient ground to suspect a murder, and treated the evidence of the medical experts as mere theory, without any foundation of fact or truth to support it. He would prove that deceased often threatened to commit suicide, and that from the general singularity of her conduct it could be surmised she was insane. He would

show the whole history of the girl for the last fourteen years; that her character wherever she had resided had been bad, and that taking her own confession Avery could not be the father of her child. He would prove that Mr. Avery could not possibly have been the man who delivered the red letter to Orswell, and that several of the other important witnesses would be confronted with proofs of their perjury. As to where Avery went on the afternoon of the death, he would show that he took exactly the course testified to by the government's witness, Boyd, and that he did meet the man and the boy as he said. Unfortunately for Mr. Avery, however, that man and boy could not be found. The fact of Avery's "fleeing from justice," and "disguising himself," could be easily accounted for.

The first witnesses called were medical men, mostly from distant cities, to disprove the evidence of Doctors Hooper and Wilbur. These savants were unanimous in the opinion that the fœtus found was, from its size, at least five months old, and that the bruises found were not bruises at all, but the natural results of decay. Other medical men followed, who testified that they had been called upon by Miss Cornell for the treatment of a loathsome disease, which was of long standing, and that from her conversation at these consultations they judged her to be a lewd woman.

After this came a mass of testimony, which was undoubtedly purchased, for, although the observations extended over a period of some twelve or fifteen years, they were unanimous in the opinion that Miss Cornell was insane, and according to them she had attempted suicide a score of times from remorse at being so utterly lost to all morality that decent, respectable people would not associate with her.

The next act in this remarkable drama was constructed differently. At least one hundred good Methodists came forward and testified that when the camp-meeting took place at Thompson, Mr. Avery was never in the company of Miss Cornell—no, not for a single moment. Others yet, of the same stripe, remembered to have noticed the appearance of Miss Cornell at this time, and to have also a recollection, just at this particular crisis, of having mentioned their suspicions to others of the saintly brethren and sisters, and to have remarked that if Miss Cornell was not married, she had better do so at once and save herself the disgrace which her appearance indicated.

While the audience were yet in a daze over the preceding revelations, another tack was made, and another crowd of witnesses flocked to the front to testify that none of the government's principal witnesses were to be believed for a minute, and to swear that what they had already testified was false in every particular, and that the story they were about to tell was the only genuine account.

To every fact that had been proven by the government, the defence offered evidence in rebuttal. Methodist evidence. Good men, who bore excellent characters for honesty and probity, came forward to the stand and



swore to anything to save brother Avery ; and women, who before had held it to be a cardinal sin to tell a falsehood, swore to undoubted lies, rather than see their beloved fellow-laborer in Christ hung.

The reader who thinks it rather improbable that Christian men and women should thus perjure themselves, has evidence, and overwhelming evidence, too, of what man will do under the influence of religion—or shall we call it fanaticism?—in a case of more recent date. The world stood aghast when men and women, holding the highest social positions, and of the very best moral character, came forward in the Beecher-Tilton imbroglio, and perjured themselves unblushingly. Hundreds were found who would not only allow a lie to go down to posterity, as sworn evidence, unchallenged, but were willing, yea, anxious, to fabricate fresh falsehoods to bind the ones already told, and swear to the truth of both.

It would be impossible to give even a synopsis of the evidence offered by the defence in this pamphlet, but it can be summed up in a few sentences. Mr. Avery was a saint of the purest, most god-like type, and Miss Cornell was not only deranged, but a wanton, a liar, a thief. On the day of the camp-meeting, Avery was not out of sight of these lynx-eyed guardians of his character for a single moment, and he could not possibly have had any collusion with Miss Cornell. He had never met her by appointment at the times sworn to by the witnesses for the prosecution, and on the day of the murder he was in a direction the opposite of where he had been seen, and at the hour when it was presumed the murder was committed, when the screams were heard, he was at least six miles away ! From noon on Wednesday, May 15th, until Friday morning, May 31st, was spent in the examination of witnesses, and so admirably had the plot to defeat justice been hatched, and so skilfully carried out, that the government could not rebut one of the glaring perjuries, and on Saturday, June 1st, Counsellor Mason, who had summed up for the defence, sat down after a glowing oration which had continued the greater part of the day, confident that the case was theirs.

The attorney-general, in summing up for the government, made but a feeble effort. The evidence in rebuttal had been so overwhelming that he felt certain in his own mind the case was lost. He could only maintain that the evidence offered by the defence was clearly false and fabricated. His intention had been to present to them the evidence fairly on behalf of the government, and that duty to the best of his ability he had discharged. It remained for the jury to discharge theirs, and to look to it that, whoever else might be satisfied or dissatisfied with their verdict, or whatever the ultimate result might be, they might be able to say that what they did, they did under a deep sense of their responsibility to the State, to the prisoner, to their God !



## Chief-Justice Eddy's Charge to the Jury—The Acquittal.

**A**SILENCE of several minutes fell upon the crowded court-room after the attorney-general had finished speaking, and the relief was welcome when the venerable chief-justice turned on the bench and began to address the jury. He said :

*"Gentlemen of the Jury:* This case furnishes but little matter which requires any instruction from the court. Till a late period it has not been the custom for the courts of this State to charge juries at all. The recent statute by which this duty is imposed has not been construed to extend to that summing up of the evidence common in other States, but only to instructions in points of law.

"It may be necessary to state to you that the paper in pencil-mark, read in the course of the trial, was admitted for a special purpose, viz., to rebut the suspicion of suicide; and you are to use it as evidence to that point, and to no other.

"The white letter was originally admitted under a similar restriction; but evidence has since been offered, which makes it proper for you, should you consider that evidence strong enough to fix the authorship of it upon the prisoner, to receive this letter as general evidence upon the issue.

"Various passages have been read to you from a book of authority on the doctrine of circumstantial evidence, which it is not necessary for me to recapitulate. The substance of them seems to be, that this sort of evidence is to be construed by a sound discretion according to the dictates of common sense. All the circumstances relied upon must be consistent with themselves and with the hypothesis sought to be established, and inconsistent with any other.

"I should recommend to you to consider, in the first place, the question of suicide; because, if you think that to have been the cause of the death, you need go no farther. If you think the death not to have been suicide, you can next inquire if it was caused by the prisoner.

"I need not caution you to free yourselves from all feeling other than that of a desire to do justice, for, from the tenor of your oaths and the examination to which you were subjected, I have no right to suppose you under the influence of any partiality. But I will recommend to you to proceed in the grave duty now incumbent upon you with coolness, caution, candor and deliberation.

"If you think the defendant guilty, you will say so; if not guilty, you will return a verdict of acquittal. I ought to add that if there be a reasonable doubt upon your minds, that doubt is in the prisoner's favor."

After the chief-justice had finished speaking, Mr. Sergeant Tripp was sworn, and the jury committed to his charge. After remaining in session



until 7 P. M., the court separated, to meet at the ringing of the bell, whenever the jury might be agreed.

All night the crowd watched the court-house, and the church bells of that sunshiny Sabbath morning called but few worshippers together. The prisoner had been conveyed back to the jail, and all through the weary hours of that terrible night he paced the floor of his narrow cell, ears keenly alert for the signal, which was to decide for him liberty or death! Moments seemed lengthened into hours, and hours into days, and that weary morning was recalled by him years afterwards, as one would look back over an interminable stretch of years.

At last it came, and the prisoner, the jury, the judges, and the crowd once more took their positions.

"Gentlemen of the jury, have you agreed upon your verdict?" asked the clerk, dipping his pen in the ink, and bending toward them.

"We have!" replied the jurors as one man.

"Who shall speak for you?" again queried the clerk.

"Our foreman."

"Mr. Foreman, what say you, is the prisoner at the bar guilty or not guilty?"

A silence as of death fell upon the assembly, and the prisoner leaned forward and clutched the back of a chair in the intensity of his emotional suspense. The foreman rose slowly to his feet and, looking squarely at the prisoner, replied:

"NOT GUILTY!"

"Gentlemen of the jury, as your foreman has said, so do you all say?" said the clerk, and the court officers in vain attempted to silence the outburst of indignation which arose and threatened to break into a riot as the verdict was rendered, and the answers of the jurors could hardly be heard.

"We do."

The clerk paused for a minute until the tumult had in a measure subsided, and then continued in a voice of great solemnity:

"Gentlemen of the jury, hearken to your verdict as the court have recorded it. You say the prisoner is not guilty. Is that your verdict?"

"It is," was the answering chorus, and again arose cries of indignation from the crowd of workmen and workwomen in the body of the room.

The acquitted turned his head slightly to survey the throng, and the hundred faces glaring at him over the railing were so expressive of vindictive hatred, that he involuntarily shuddered and drew nearer his counsel, as if loth to put himself outside the protecting arm of the law.

"I move that the defendant be discharged," said Counsellor Randolph, at length.

Chief-Justice Eddy glanced at the attorney-general, who nodded his head in grim silence, and then said:

"Ephraim K. Avery, you are now discharged from custody, and ordered to go without delay."

The late prisoner had risen to his feet, and glancing nervously at the crowd, murmured a few words of thanks, and then, surrounded by the true friends whose perjured oaths had snatched him from the gallows, left the court-room, and the great trial was at an end.

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### CONCLUSION.

**A**LTHOUGH a jury of his peers had acquitted him, Avery did not consider it safe to longer remain in the neighborhood, and aided by his friends who had proved so true and steadfast in their fanatical devotion, he disappeared from Bristol a few days after his discharge, and in that vicinity was never more seen.

It was rumored that he had gone west, and several years afterwards this surmise proved to be correct. With the money provided by his friends he purchased a farm in the valley of the Miami in the State of Ohio, and here, in the peaceful pursuit of husbandry, lived until his death.

In justice to the man, and as a proof that he repented of his terrible crime, it may be said in this connection that the latter portion of his life was marked by an extreme uprightness of living, which won for him the good will and friendship of his neighbors; and his many acts of charity are to this day a subject of remark among the people of this section of country. The story of Sarah Cornell is perhaps forgotten, except by the older portion of the inhabitants; but among the factory folk of Fall River, the legend is yet preserved and handed down religiously from generation to generation, as one of the sacred traditions of the craft. Her grave is yet pointed out to the inquiring stranger, and a spot is shown you where it is said the haystack stood against which she was hanged.

THE END.